

Notice of Allowability

Application No.

10/824,007

Examiner

Hugh B. Thompson II

Applicant(s)

WISHART ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 4-26-05.
2. ☒ The allowed claim(s) is/are 4-90 and 92-107.
3. ☒ The drawings filed on 14 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: for claims 4, 17, 28, and 37, it is the inclusion of the assembly adapted to be installed with a rack having lateral and front-rear stretchers and uprights therebetween, the assembly having opposite ends of the lower secondary front-rear stretcher located at different depths in the rack and located between the front-rear stretchers, and an upper secondary front-rear stretcher adapted to be coupled to the lateral stretchers and located between front-rear stretcher of the rack, and a secondary upright extending between the upper and lower secondary front-rear stretchers. For claim 42, it is the inclusion the first and second front-rear stretcher located between the front uprights of the rack and supported thereon without additional uprights, the second front-rear stretcher at a different elevation from the first, and a secondary upright extending between the first and second front-rear stretchers and supported by the first front-rear stretcher. For claim 44, it is the inclusion of third and fourth front-rear stretchers located between the first and second, the fourth at a different elevation than the third and supported by the rack, and a secondary upright supported by the third and extending between and coupled to the third and fourth stretcher. For claim 46, it is the inclusion of the first secondary front-rear stretcher having ends at different depths relative to the rack and lying in a third vertical plane adjacent the first plane defined by the first upright, and a second secondary front-rear stretcher having ends at different depths relative to the rack and lying in a fourth vertical plane adjacent the second plane defined by the second upright. For claim 49, it is the inclusion of first and second front-rear stretchers located between spaced uprights of the rack, the second adapted to be coupled to the rack at a different elevation from the first, the second located between immediate laterally spaced uprights of the rack. For claim 52, it

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is the structure as recited in lines 1-14, the assembly adapted to be used with the rack as claimed. For claim 59, it is the inclusion of the method steps as recited in lines 12-23. For claim 62, it is the inclusion of the assembly used with a rack defining a primary frame, and a secondary frame having first and second front-rear stretchers adapted to be coupled to the primary frame with opposite ends of the front-rear stretchers located at different depths with respect to the rack, and a support element coupled to the first and second front-rear stretchers of the secondary frame. For claim 67, it is the inclusion of the structure as recited in lines 5-14. For claim 77, it is the inclusion of the structure as recited in lines 4-9. For claim 82, it is the structure of the rack assembly as recited in lines 4-10. For claim 87, it is the inclusion of first and second laterally extending beams being adjustable to different positions with respect to the first and second uprights. For claim 97, it is the inclusion of the structure of the rack assembly as recited in lines 7-13. For claim 103, it is the inclusion of the structure of the rack assembly as recited in lines 4-10. the prior art of record fails to teach or suggest the claimed features absent the applicant's on disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II
Primary Examiner
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July 23, 2005